



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**ELECTRONIC MAIL**  
**CONFIRMATION OF EMAIL RECEIPT REQUESTED**

Mr. Dennis Schess  
Boost Lighting, Inc.  
430 Satellite Boulevard Northwest, Suite 101  
Suwanee, Georgia 30096  
dennis.schess@boostlightinginc.com

Re: Boost Lighting, Inc.  
FIFRA Notice of Warning  
Case File No. FIFRA-04-2021-0810

Dear Mr. Schess:

The U.S. Environmental Protection Agency has obtained evidence indicating that Boost Lighting, Inc. appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or about January 25, 2021, Hector J. Romero, CHB (CHB) the licensed customs broker for Boost incorrectly filed an entry in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system, showing that the product being imported was not a pesticide or pesticide device. The shipment contained a pesticide device product, specifically a UV-C Sterilizer Box, and arrived at the Port of Atlanta, Georgia under entry number 9WK-09019197 on or about January 17, 2021. On February 4, 2021, the entry was denied for failing to file an entry and importing a misbranded pesticide device.

On or about April 22, 2021, CHB filed an entry in the CBP ACE system on behalf of Boost for the imported pesticide device product, specifically the Dymond Air Purifier 100, and arrived at the Port of Savannah, Georgia under entry number 9WK-09028024 on or about April 18, 2021. On June 2, 2021 the entry was denied because a misbranded pesticide device was imported.

On March 19, 2021, an authorized representative of the EPA conducted an inspection at Boost located at 430 Satellite Boulevard Northwest, Suite 101, Suwanee Georgia 30096, to determine compliance with FIFRA and the regulations promulgated thereunder. The inspection revealed that the company had four devices in inventory: UV-C Sterilizer Box, DymondAir Purifier 100, Dymond Knife Block 100, and Dymond Knife Block 500. After a review of the labels collected during the inspection, the following discrepancies were found:

- UV-C Sterilizer Box: There were sterilization claims being made on the product label and websites. A sterilant, as defined in 40 CFR 158.2203, destroys or eliminates all forms of microbial life in the inanimate environment, including all forms of vegetative bacteria, bacterial spores, fungi, fungal spores, and viruses. These products are commonly used in hospitals, laboratories, pharmaceutical clean rooms, and similar environments where

sterilization is necessary. Further, the product label appears to include claims that are false or misleading in relation to the efficacy of the product. “Viruses and bacteria” must be qualified.

- Dymond Air Purifier 100: The product label appears to include claims that are false or misleading in relation to the efficacy of the product. Please note that the term purify must be qualified by listing the pests the device is effective against.
- Dymond Knife Block 100: The product label appears to include claims that are false or misleading in relation to the efficacy of the product. Please note that the term disinfection must be qualified by listing the pests the device is effective against.
- Dymond Knife Block 500: The product label appears to include claims that are false or misleading in relation to the efficacy of the product. Please note that the term disinfection must be qualified by listing the pests the device is effective against.

At the time of the inspection, the pesticide device products appeared to be misbranded. Pursuant to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), it shall be unlawful for any person in any State to distribute or sell to any person any device which is misbranded.

The UV Sterilizer Box as the product was denied under entry number 9WK-09019197 and on May 26, 2021, the EPA received documents showing the product was exported.

In response to the potential violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Boost Lighting pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company’s apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of Boost Lighting submit a signed statement indicating that compliance with FIFRA has been achieved (for the Dymond Knife Block 100, Dymond Air Purifier 100 and Dymond Knife Block 500) and identifying the actions taken to achieve compliance with the requirements set forth above and submit photographs of the pesticide product label and labeling that are legible and show the product in compliance with FIFRA. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement and photographs should be electronically to at [tomczak.kimberly@epa.gov](mailto:tomczak.kimberly@epa.gov) and submitted in hard copy to:

Kimberly Tomczak  
Pesticides Enforcement Section  
U.S. EPA Region 4  
61 Forsyth Street S.W.  
Atlanta, Georgia 30303

In the event that the EPA decides to initiate a more formal enforcement action, you will be notified in writing and provided an opportunity to meet with the EPA or conduct a conference call to present any facts, evidence or arguments as to why the EPA should not initiate such action.

Since your company may be classified as a small business, you may want to review the Information Sheet “U.S. EPA Small Business Resources,” which can be found on the internet at: [www.epa.gov/compliance/small-business-resources-information-sheet](http://www.epa.gov/compliance/small-business-resources-information-sheet). This document will provide you

with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak of my staff at (404) 562-8987 or by email at [tomczak.kimberly@epa.gov](mailto:tomczak.kimberly@epa.gov).

Sincerely,

Kimberly L. Bingham  
Chief  
Chemical Safety and Land Enforcement Branch

cc: Ms. Jennifer Wren, GDA ([jennifer.wren@agr.georgia.gov](mailto:jennifer.wren@agr.georgia.gov))